

Surface Transportation Board, DOT

§ 1139.8

“base calendar year—actual.” The application of possible labor and nonlabor cost increases for the purpose of updating the “base calendar year—actual” cost data may be accomplished by the use of either individual carrier data for each of the study carriers, or the composite carrier data for those study carriers whose revenue from the issue traffic amount to 50 percent or more of their total system revenues for the “base calendar year—actual.” The sample values for expenses and revenues shall be expanded to full year values without adjustments to known annual report figures of any carrier.

(d) Where cost studies are developed through the use of computer processing techniques, there shall be submitted a manual application of the costing procedures used for one traffic and cost study carrier (study carrier) in order to demonstrate the procedures by which the computer program distributes the annual report statistics, and applies service unit-costs to each shipment. An illustration of the application of service unit-costs to the applicable traffic service units generated by one single-line sample shipment and by one inter-line sample shipment shall also be submitted. These sample shipments shall be on the “Carried” basis.

§ 1139.4 Revenue need.

Traffic and cost study carrier, i.e., the study carriers, shall submit evidence of the sum of money, in addition to operating expenses, including that needed to attract debt and equity capital, which they require to insure financial stability and the capacity to render service. This evidence shall include data required by Appendix I, parts I and II, and Appendix II.

§ 1139.5 Affiliate data.

Each individual traffic and cost study carrier having transactions with affiliates, subject to the reporting requirements of schedules 9009-A and 9009-B in the annual report for class I motor carriers, shall submit appropriate data and analyses reflecting the effect on the parent carrier's profits of transactions with affiliates. Such data and analyses shall be adequately supported, and there shall be submitted such underlying data as will permit a

reconciliation of these data to the data supplied in the appropriate schedules of each carrier's annual report.

[47 FR 49577, Nov. 1, 1982; 47 FR 54082, Dec. 1, 1982]

§ 1139.6 Official notice.

The Board will take official notice of all of the proponent carriers' annual and quarterly reports on file with the Board.

§ 1139.7 Service.

The detailed information called for herein shall be in writing and shall be verified by a person or persons having knowledge thereof. The original and 10 copies of each verified statement for the use of the Board shall be filed with the Chief, Section of Administration, Office of Proceedings, Surface Transportation Board, Washington, DC 20423-0001. A copy of each statement shall be mailed by first-class mail to each party of record in the last formal proceeding concerning a general rate increase in the affected area or territory. However, one copy of each statement shall be sent by express mail to any person undertaking to bear the cost. Written request for this expedited service must be made no less than 5 days before the statement is due to be filed with the Board. Otherwise, the service requirements of 49 CFR 1104.12 should be observed. Information with respect to carrier affiliates may be served on the parties in summary form, if so desired. A copy of each statement shall be furnished to any interested person on request.

[74 FR 52908, Oct. 15, 2009]

§ 1139.8 Availability of underlying data.

All underlying data used in preparation of the material outlined above shall be made available in the office of the party serving such verified matter during usual office hours for inspection by any party of record desiring to do so, and shall be made available to the Board upon request therefor. The underlying data shall be made available also at the hearing, but only if and to the extent specifically requested in writing and required by any party for the purpose of cross-examination.

Pt. 1139, Subpt. A, App. I

49 CFR Ch. X (10–1–11 Edition)

Since appendix I data are to be submitted on a combined carrier basis, any underlying individual carrier data used to complete appendix I should be furnished to the Board for its use as well as for the use of parties opposing the sought increases.

APPENDIX I TO SUBPART A OF PART 1139—REVENUE NEED AND ALLOCATION TO TRAFFIC AT ISSUE

[Cost allocation—see part II, line 13, ☐ Method A, ☐ Method B; check one; provide both]

Line No.	Item	Source ¹	Base calendar year—actual ²	Present proforma year ³	Restated proforma year ⁴		
					Based on current revenues	Based on proposed revenues	Based on constructed revenue need ⁵
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Part I. Revenue Need							
1	Operating revenue	A.R. Sch. 2998, L. 3 ...	\$	\$	\$	\$	\$
2	Operating expenses	A.R. Sch. 2998, L. 10.					
3	Lease of distinct operating unit (net)	A.R. Sch. 2998, Net of Ls. 12 and 13.					
4	Miscellaneous deductions less other income	A.R. Sch. 2998 (L. 27 minus L. 20).					
5	Interest included in miscellaneous deductions.	A.R. Sch. 2998, L. 23.					
6	Income taxes on ordinary income ⁶	A.R. Sch. 2998, L. 29.					
7	Extraordinary and prior period items	A.R. Sch. 2998, L. 34.					
8	Net income or loss ⁷	A.R. Sch. 2998, L. 35.					
9	Sum of money above operating expenses ..	Sum of Ls. 4, 6 and 8.					
10	Percent owned and leased property to net tangible property (3 decimals).	A.R. Sch. 100, Col. (c) (L. 21+L. 23)+L. 26.	%	%	%	%	%
11	Sum of money related to transportation	(L. 9×—% in L. 10) plus L. 3.					
12	System revenue need items and projected revenue need.	L. 2 plus L. 11.					
Part II. Allocation to Traffic at Issue							
13	Constant costs and sum of money allocated to issue traffic.	See Method A (<input type="checkbox"/>) and Method B (<input type="checkbox"/>), check one; provide both.					
14	Variable expenses from traffic at issue (90% variable excluding return on investment) ⁸ .	From traffic and cost study.					
15	Operating revenues from traffic at issue ⁸ ...	From traffic study.					
16	Constant costs and sum of money allocated to issue traffic plus variable expenses.	L. 13 plus L. 14	\$	\$	\$	\$	\$
17	Revenue to cost comparison (1 decimal)	L. 15+L. 16	%	%	%	%	%

See Methods A and B and footnotes on following pages.

METHOD A—CONSTANT COSTS AND SUM OF MONEY ALLOCATED TO ISSUE TRAFFIC BASED ON TON AND TON-MILE METHOD (SEE NOTE A)

Line No.	Item	Source for columns 3 and 4	Base calendar year—actual	Present proforma year	Restated proforma year		
					Based on current revenues	Based on proposed revenues	Based on constructed revenue need
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
(a)	System constant costs	L. (b)+L. (c)	\$	\$	\$	\$	\$
(b)	Not related to distance	(See Note B).					
(c)	Related to distance	(See Note B)	\$	\$	\$	\$	\$
(d)	Percent not related to distance (3 decimals).	L. (b)+L. (a)	%	%	%	%	%
(e)	Percent related to distance (3 decimals) ...	L. (c)+L. (a)	%	%	%	%	%